

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Robert Farley
DOCKET NO.: 03-28705.001-C-1
PARCEL NO.: 21-31-107-040-0000

The parties of record before the Property Tax Appeal Board are Robert Farley the appellant, by attorney Stephanie Park of Chicago and the Cook County Board of Review.

The subject property consists of 4,102 square foot parcel improved with a 76-year old, one-story commercial building. Located in Hyde Park Township, the improvement is masonry construction containing 3,600 square feet of building area. The subject has a 1.14:1 land to building ratio.

The appellant, through counsel, appeared before the Property Tax Appeal Board arguing that the fair market value of the subject was not accurately reflected in its assessed value. In support of that argument, a limited appraisal summary appraisal report was proffered. The report was authored by Gary T. Peterson of Peterson Appraisal Group, Ltd., Chicago. The appraisal revealed that Mr. Peterson is State of Illinois certified real estate appraiser and holds a Member of the Appraisal Institute (MAI) designation. The appraiser was not present at the hearing.

After an examination of the subject site, building, neighborhood and environs, the report indicated the appraiser determined the subject's highest and best use as improved; its current use.

To estimate a fair market value for the subject of \$60,000 as of January 1, 2003, the appraiser employed one of the three classic approaches to value; the sales comparison approach.

The appraiser selected the sales of five commercial buildings located in fairly close proximity to the subject. The parcels range in age from 48 to 93 years; size from 3,750 to 23,900 square feet of land area and the improvements range from 3,700 to 9,100 square feet of building area. The comparables sold from

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	5,906
IMPR.:	\$	16,894
TOTAL:	\$	22,800

Subject only to the State multiplier as applicable.

April 2000 to August 2002 for prices ranging from \$13.75 to \$32.43 per square foot of building area including land, unadjusted. The appraiser analyzed the sales of the comparables and adjusted them for land to building ratios, property rights conveyed, financing terms, conditions of sale, market conditions, location and other unique characteristics. From this information, the appraiser determined an estimated unit value for the subject of \$16.50 per square foot of building area including land, or \$60,000, rounded, for the subject through the sales comparison approach to value. The appraiser's final opinion of the subject's a fair market value was \$60,000 as of January 1, 2003. Based on the appraisal evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$27,359 was disclosed. The subject's final assessment reflects a fair market value of \$71,997, when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5a properties such as the subject is applied. In support, the board of review offered a memorandum indicating the sales of four properties supports the current assessment. CoStar Comps sales sheets for the four comparables were proffered with the memorandum. The sale properties range from 56 to 110 years old; in building size from 2,300 to 5,000 square feet and in land size from 4,852 to 7,875 square feet. These properties were sold from March 2002 to September 2003 for prices ranging from \$105,000 to \$130,000, or from \$21.00 to \$48.15 per square foot of building area including land. Based on the foregoing, the board of review requested confirmation of the subject's assessment.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. The issue before the Property Tax Appeal Board is the subject's fair market value. Next, when overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.Code §1910.65(c)). Having heard the testimony and considered the evidence, the Board concludes that the appellant has satisfied this burden.

The Property Tax Appeal Board finds that the best evidence in the record of the subject's fair market value as of January 1, 2003 is the limited appraisal summary appraisal report submitted by the appellant. The appellant presented an appraisal utilizing the sales comparison approach to value. In the sales comparison approach each sale was described and appropriate adjustments were made in comparison to the subject. The approach to value contained credible data and a concluded an estimate of value based on a well reasoned analysis of the data. The Board finds that the appraiser's final conclusion to value was well reasoned and aligned with the conclusion reached in the sales comparison approach to value.

In contrast, the board of review presented only raw sales data without adjustments or analysis of the comparables and their comparability to the subject. The Board finds the board of review's presentation of four sales without any meaningful analysis merely anecdotal. Therefore, the Property Tax Appeal Board places significant weight on the appellant's appraisal and places much diminished weight on the board of review's evidence. As a result of this analysis, the Property Tax Appeal Board finds the appellant has adequately demonstrated that the subject is overvalued by a preponderance of the evidence.

Based on the foregoing analysis, the Property Tax Appeal Board finds the subject property had a market value of \$60,000, as of January 1, 2003. Since the fair market value of the subject has been established, the Board finds that the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5a properties such as the subject shall apply and a reduction is accordingly warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member

Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: February 29, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the

subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.